

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DERRICK JONES, JEROME JONES, and
DARNELL RUSAN

Plaintiffs,

v.

CITY OF ST. LOUIS *et al.*,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

Cause No. 4:21-cv-600

**PLAINTIFFS' MOTION TO COMPEL DISCOVERY
AND TO AMEND THE CASE MANAGEMENT ORDER**

Plaintiffs, by and through counsel, having satisfied the requirements of E.D.Mo. Local Rule 3.04, move this Court pursuant to Fed. R. Civ. P. 37 to enter an order compelling Defendant City of St. Louis to provide complete responses and produce documents responsive to Plaintiffs' discovery requests related to identifying John Doe 1 and *Monell*-relevant video evidence, and for an order amending the current Case Management Order. In support thereof, Plaintiffs state as follows:

1. This case arises out of the violent treatment Plaintiffs endured while being detained at the St. Louis City Justice Center (CJC). Plaintiffs assert that they were subject to excessive force and water deprivation practices, as a result of *de facto* policies, practices and customs of the City of St. Louis, which include, *inter alia*, punitively and indiscriminately deploying excessive amounts of mace and depriving detainees of water as a form of reprisal.

2. In their Amended Complaint, Plaintiffs name an unknown "John Doe 1" representing individuals responsible for shutting off access to water at CJC. Plaintiffs' Amended Complaint, Dkt. 9.

3. Nearly six months ago, Plaintiffs served Interrogatory 3 on Defendant City seeking information that would help identify John Doe 1. Defendant refused to answer and instead asserted vague objections. In the spirit of compromise, Plaintiffs significantly narrowed Interrogatory 3, but Defendant continues to stand on its objections.

4. Nearly three months ago, Plaintiffs served Requests for Production seeking recordings of chemical agents being deployed on non-Plaintiff CJC detainees - recordings that are highly relevant to Plaintiffs' *Monell* claims. Defendant City of St. Louis objected and refused to produce any recordings. Plaintiffs again significantly narrowed their Request, but Defendant stands on its objections.

5. As detailed in the accompanying memorandum filed contemporaneously herewith, Plaintiffs' counsel has made good faith attempts to resolve these discovery disputes, including conferring by telephone on December 9, 2021. Counsel were unable to resolve the deficiencies with Defendant's discovery responses.

6. With these discovery deficiencies remaining after Plaintiffs' counsel's many attempts at seeking resolution, Plaintiffs have no choice but to file this Motion to Compel.

7. Plaintiffs also seek an order amending the Case Management Order with respect to the deadline to join additional parties and amend pleadings to reflect and accommodate the delay in Defendant's discovery responses.

8. In compliance with E.D.Mo. L.R. 4.01, Plaintiffs have filed a memorandum in support of this motion contemporaneously herewith and incorporate the same by reference.

WHEREFORE, for the foregoing reasons and for the reasons discussed more fully in the accompanying memorandum, Plaintiffs respectfully request this Court grant their Motion and enter an order: i) compelling Defendant to provide full and complete responses to Interrogatory 3

from Plaintiffs' First Set of Interrogatories and produce records responsive to Requests 1 and 2 from Plaintiffs' Second Set of Requests for Production (ii) amending the Case Management Order as requested more specifically in the accompanying memorandum; and (iii) granting such further relief as is just and appropriate under the circumstances.

Dated: December 22, 2021

Respectfully submitted,

By: /s/ Shubra Ohri

Amy E. Breihan (MBE #65499MO)
W. Patrick Mobley (MBE #63636MO)
Shubra Ohri (E.D. Mo. Bar No. 63098241L)
906 Olive Street, Suite 420
Saint Louis, Missouri 63101

RODERICK & SOLANGE MACARTHUR
JUSTICE CENTER

/s/Maureen Hanlon

Blake A. Strode (MBE #68422MO)
Jacki Langum (MBE #58881MO)
John M. Waldron (MBE #70401MO)
Maureen Hanlon (MBE #70990MO)
Brittney Watkins (MBE #73992MO)
Emanuel Powell (E.D. Mo. Bar No. #706171MA)
Nathaniel R. Carroll (MBE #67988MO)
440 N. 4th Street, Suite 390
Saint Louis, MO 63102

ARCHCITY DEFENDERS, INC.

/s/Brendan Roediger

Brendan Roediger (E.D. Mo. Bar No.
#6287213IL)
Lauren Bartlett (MBE #71698MO)
100 N. Tucker Blvd.
Saint Louis, MO 63101-1930

SAINT LOUIS UNIVERSITY SCHOOL OF
LAW LEGAL CLINICS

/s/Oren Nimni

Oren Nimni **admitted pro hac vice*
416 Florida Avenue, NW #26152
Washington, D.C. 20001

RIGHTS BEHIND BARS

Attorneys for the Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2021 the foregoing was filed electronically via the Court's electronic filing system, which will send notice to all counsel of record.

By: /s/ Shubra Ohri